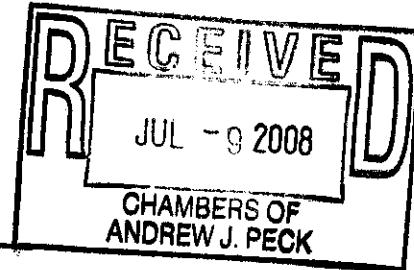


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July 9, 2008

**VIA FACSIMILE**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
The Honorable Andrew J. Peck  
United States Magistrate Judge **DOC#**  
Southern District of New York **DATE FILED:** 7/14/08  
500 Pearl St, Room 1370  
New York, NY 10007



**Re:** Roberto Rivera, M.D. v. Ruth Smith, M.D., Jess A. Bunshaft,  
and St. Vincent Catholic Medical Center  
**Docket No.** : 07 CV 3246 (BSJ) (AJP)  
**Our File No.** : 08987.00003

Dear Judge Peck:

We represent the defendants in the referenced action. We are hereby renewing defendants' oral request made during one of our status conferences, for an extension of time to move for summary judgment. We have spoken with plaintiff and he has no objections to the requested extension or to the dates proposed below.

Defendants' motion papers are currently due by July 25, 2008. We are requesting an extension to August 8, 2008 because discovery just ended on July 3, 2008 and we have held nine depositions held to date, the transcripts of which we will need to review and incorporate into the summary judgment motion. Further, we received a total of four audio tapes from plaintiff just a week before the discovery deadline, which we have copied and are now in the process of transcribing. We therefore propose the following briefing schedule:

- Defendants' summary judgment motion is to be served and filed by August 8, 2008;
- Plaintiff's opposition papers are to be served and filed by August 29, 2008;
- Defendants' reply papers are to be served and filed by September 12, 2008;
- Defendants shall provide courtesy copies of the fully briefed motion to Judge Jones and Judge Peck.

We sincerely hope that this proposal meets with your approval. Thank you for your consideration in this matter.

Respectfully,

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

*Nancy V. Wright*  
Nancy V. Wright

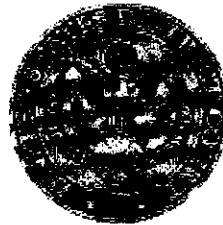
Our File No. 01538.00226  
Page 2

cc: The Honorable Barbara S. Jones (via Facsimile)  
Dr. Roberto Rivera (via Federal Express and Facsimile)

**\*\* Transmit Confirmation Report \*\***P.1  
HON ANDREW J PECK SDNY Fax:212-805-7933

Jul 9 2008 04:05pm

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**FAX TRANSMITTAL SHEET**

**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

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Dated: July 9, 2008Total Number of Pages: 3

TO	FAX NUMBER
Nancy V. Wright, Esq.	212-490-3038
Dr. Roberto Rivera	914-961-5729

Translation:

Approved.

**SO ORDERED:**  
Hon. Andrew J. Peck

cc: All Counsel (via fax)